IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4739 OF 2005.
IN
FIRST APPEAL NO. 393 OF 2006.

Smt.Sundribai Ramgopal Badshiwal. ... Applicant.
Versus.
Sonibai Chunilal Badshiwal & anr. ... Respondents.

Shri A.M.Saraogi for the Applicant.

Shri V.G.Mehta for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 17th April, 2006.

P.C.:

1. Rule. Shri Mehta waives service for the Respondents. Taken up for hearing forthwith.

2. Shri Saraogi states that the Applicant intends to file a comprehensive suit for partition and he intends to seek interim relief which is claimed in this Civil Application in the proposed suit. He, therefore, prays that he may be permitted to withdraw this Civil Application with liberty to claim the same reliefs in the substantive suit which he proposes to file. He states that to enable the Applicant to seek relief in the proposed substantive suit, for a reasonable time the Respondents may be restrained from in any manner carrying on with construction on the suit property. Shri Mehta appearing for the Respondents states that

without prejudice to the rights and contentions of the Respondents, they will maintain status-quo as of today in respect of the suit property for a period of four weeks. Statement is accepted.

3. In view of this statement, the Civil Application is allowed to be withdrawn with liberty as prayed.

Judge.